Application No. 09/823,991
Amendment dated: February 10, 2004
Reply to Office Action dated November 10, 2003

**Remarks/Arguments**

Claims 1, 2, 6 - 11, 14 - 37 currently stand in the application. Claims 1, 6 - 10, 14, and 19 - 22 have been amended to more accurately recite and to clarify the present invention. Claims 27 and 37 have been amended only to correct their dependencies.

The Examiner objected to the drawings under 37 C.F.R. 1.84(p)(4) and 37 C.F.R 1.84(p)(5), and called for a number of reference numeral corrections. In response, Applicant has amended Figures 1, 3, 4, 5, 14, 15A, 15B, 16, 18, 21, 22 and 23 as detailed in the section entitled Amendments to the Drawings, and has amended the descriptions of Figures 2, 4, 6A, 6B and 8 - 23 as shown in the section entitled Amendments the Specification. All amendments to the specification are directly inferable from the drawings, and vice versa. Applicant has also taken this opportunity to improve grammar and expression in the specification and to amend any identified typographical errors. It is submitted that no new matter has been added, and withdrawal of the objections under 37 C.F.R. 1.84(p)(4) and 37 C.F.R 1.84(p)(5) is requested.

The Examiner rejected claims 1 - 7, 10 - 15, 20, 21, 27 and 34 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,638,494 to Pinard (hereinafter "Pinard '494"). The Examiner further rejected claims 16 - 18 and 33 under 35 U.S.C. 103(a) as being obvious in view of Pinard '494 in combination with U.S. Patent No. 6,381,640 to Beck; claims 8, 9, 19, 25 and 26 under 35 U.S.C. 103(a) as being obvious in view of Pinard '494 in combination with U.S. Patent No. 6,163,794 to Lange; claims 22 -24 under 35 U.S.C. 103(a) as being obvious in view of Pinard '494 in combination with U.S. Patent No. 5,611,050 to Theimer; and claims 28 - 32 and 35-37 under 35 U.S.C. 103(a) as being obvious in view of Pinard '494 in combination with U.S. Patent No. 5,946,464 to Kito.

In response, Applicant has amended claim 1 to recite a method for establishing a communication path in a data-driven communication system, comprising: defining a first layer agent, a first set of predetermined policies for linking the first layer agent to a second layer agent, and a second set of predetermined policies for linking the second layer agent to a third layer agent; receiving, at the first layer agent, data related to a communication; invoking a first policy of the first set of predetermined policies in accordance with the data related to the communication; establishing a first policy chain through the first set of predetermined policies linking the first layer agent and the second layer agent; invoking a policy of the second set of

predetermined policies in accordance with data received from the second layer agent; and establishing a second policy chain through the second set of predetermined policies linking the second layer agent and the third layer agent, the first and second policy chains determining a communication path between the first layer agent and the third layer agent.

Claim 10 has been similarly amended to recite a data-driven communication system for establishing a data-driven communication path, comprising: a first layer agent operable to receive data related to a communication; a second layer agent linked to the first layer agent by a first set of predetermined policies such that a first policy chain can be established therebetween, in accordance with the data related to the communication, thereby linking the first layer agent to the second layer agent; and a third layer agent linked to the second layer agent by a second set of predetermined policies such that a second policy chain can be established therebetween, in accordance with data received from the second layer agent, thereby linking the second layer agent to the third layer agent and establishing a data-driven communication path between the first layer agent and the third layer agent.

The claims dependent from claims 1 and 10 have been amended correspondingly. Claims 3 - 5 and 12 - 13 have been cancelled and the subject matter thereof incorporated into amended claims 1 and 10. Therefore, the rejections of claims 3 - 5, 12 and 13 are moot.

It is submitted that none of Pinard '494, Beck, Lange, Theimer or Kito, either alone or in combination, disclose a method and system as recited in amended claims 1 and 10. In particular, Applicant submits that Pinard '494 does not disclose three layer agents linked by first and second sets of predetermined policies, nor does Pinard '494 disclose the formation of policy chains through the predetermined policies to provide a data-driven communication path between the first and third layer agents. Despite the similarity in terminology, Applicant submits that the agents and policies referred to in Pinard '494 do not interact in the same manner as the agents and policies of the present invention. In Pinard '494, an owner agent defines a generic process, such as "make a call". The generic process is then mapped onto physical agents that the owner agent obtains through a bidding system, such as a blackboard (see e.g. col. 3, line 49 to col. 4, line 16). There are no predetermined policies linking one layer agent to another layer agent to enable the dynamic selection of a communication path between the agents in response to data relating to a particular communication. Instead, Pinard '494 discloses a system where agents must bid for resources

and other agents to gain access to system functionality. In Pinard '494, a communication path is established in response to successfully bidding for resources, not in response to establishing a policy chain through a predefined set of policies linking the agents. In fact, the policies referred to in Pinard '494 (see e.g. col. 3, lines 36 - 39 and col. 13, lines 40 - 45) are merely arbiters of ownership rights (e.g. ability of an agent to use a resource or device), and are local to the broker or agent. Nothing disclosed in Beck, Lange, Theimer or Kito would, in combination with Pinard '494, lead one of skill in the art to the invention recited in amended claims 1 and 10. Accordingly, Applicant requests withdrawal of the rejections, under both 35 U.S.C. 102(b) and 103(a), of claims 1 and 10, and the claims depending therefrom.

No fee is believed due for this submission. However, Applicant authorizes the Commissioner to debit any required fee from Deposit Account No. 501593. The Commissioner is further authorized to debit an additional amount required, and to credit any overpayment to the above noted deposit account.

It is submitted that this application is now in condition for allowance, and action to that end is respectfully requested.

Respectfully submitted,
PINARD, Deborah L.

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By: L. Anne Kinsman
Registration No. 45,291

BORDEN LADNER GERVAIS, LLP
World Exchange Plaza
100 Queen Street, Suite 1100
Ottawa ON K1P 1J9
Canada
Telephone 613-787-3519
e-mail: akinsman@blgcanada.com

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